No. 1095(O)
Filed today
28.4.01
by [illegible]
Registrar,
[illegible] Tribunal,
Raipur (C.G.)

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL, RAIPUR BENCH
RAIPUR (C.G.)

In the matter of O.A.No. 277 /2001 (WPS) 364/01

BETWEEN

APPLICANT : Harku Ram Netam, 52 years son of Shri (Late) K.R.Netam, Presently Deputy Director, Panchayat and Social Welfare, Jagdalpur.

VERSUS

NON-APPLICANTS :

1 State of Chhattisgarh, through Principal Secretary Panchayat Awam Samaj Kalyan Vibhag Mantralaya, D.K.Bhawan, Raipur.

2 Under Secretary (Awar Sachiv) Panchayat Gramin Vikas Awam Samaj Kalyan Vibhag Mantralaya, D.K. Bhawan, Raipur.

3 Commissioner Panchayat Awam Samaj Kalyan Vibhag Mantralaya, D.K.Bhawan, Raipur

4 Collector, Distt.Jagdalpur.

APPLICATION U/s. 19 OF ADMINISTRATIVE TRIBUNAL ACT.

The Petitioner respectfully submits as under :-

1. Particulars of the Petitioner. The Details of the petitioner is furnished in the cause-title of the Plaint.

2. Particulars of the Respondents. The details of respondents are furnished in the cause title of the Petition.

Contd.....2.

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (S) No. 3648 of 2005

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Petitioner — Harku Ram Netam

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri Kishore Bhaduri, Advocate for the petitioner.

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner was working as Deputy Director, Panchayat & Social Welfare, Jagdalpur. In place of the petitioner vide order dated 16.3.2001 (Annexure A/1) one Shri K. S. Nag was appointed and no order regarding placement of the petitioner has been passed.
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 1.5.2001 directed to maintain status quo in regard to the position of the petitioner as it was prevailing on that day. By virtue of the interim order the petitioner is continuing at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur